

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 532

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H532-ABR-18 [v.4]

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Amends Title [NO]
Second Edition

Date _____, 2019

Senator Wells

1 moves to amend the bill on page 3, lines 41–51, by rewriting those lines to read:

2
3 "SECTION 3.(e) G.S. 143B-135.104 reads as rewritten:

4 "**§ 143B-135.104. Location of trails.**

5 ~~The process of locating routes of designated trails to be added to the system shall be as~~
6 ~~follows:~~

7 ~~For State scenic trails, the Secretary or a designee, after consulting with the Committee, shall~~
8 ~~recommend a route. For State recreation trails and for connecting or side trails, the Secretary or~~
9 ~~a designee, after consulting with the Committee, shall select the route. The Secretary may provide~~
10 ~~technical assistance to political subdivisions or private, nonprofit organizations that develop,~~
11 ~~construct, or maintain designated trails or other public trails that complement the State trails~~
12 ~~system. When a route shall traverse land within the jurisdiction of a governmental unit or political~~
13 ~~subdivision, the Department shall consult with such unit or such subdivision prior to its final~~
14 ~~determination of the location of the route. The selected route shall be compatible with~~
15 ~~preservation or enhancement of the environment it traverses. Reasonable effort shall be made to~~
16 ~~minimize any adverse effects upon adjacent landowners and users. Notice of the selected route~~
17 ~~shall be published by the Department in a newspaper of general circulation in the area in which~~
18 ~~the trail is located, Department, together with appropriate maps and descriptions to be~~
19 ~~conspicuously posted at the appropriate courthouse, online and at the proposed trail location.~~
20 ~~Such publication shall be prior to the designation of the trail by the Secretary."";~~

21
22 and on page 4, line 22 through page 5, line 18, by rewriting those lines to read:

23
24 "**TRANSFER AUTHORITY TO ADMINISTER THE LAND AND WATER**
25 **CONSERVATION FUND FROM THE DEPARTMENT OF ENVIRONMENTAL**
26 **QUALITY TO THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

27 **SECTION 4.(a).** Subsections (a) and (d) of G.S. 143-323 are recodified as
28 subsections (b) and (c) of a new statute, G.S. 143B-50.1, to be entitled "Additional powers and
29 duties of the Department regarding recreation."

30 **SECTION 4.(b).** G.S. 143-320(3) is repealed.

31 **SECTION 4.(c).** G.S. 143B-50.1, as recodified by subsection (a) of this section,
32 reads as rewritten:



* H 5 3 2 - A B R - 1 8 - V - 4 *

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1 **"§ 143B-50.1. Additional powers and duties of the Department regarding recreation.**

2 (a) Definition. – As used in this section, "recreation" means those interests that are
3 diversionary in character and that aid in promoting entertainment, pleasure, relaxation,
4 instruction, and other physical, mental, and cultural developments and experiences of a leisure
5 nature, and includes all governmental, private nonprofit, and commercial recreation forms of the
6 recreation field and includes parks, conservation, recreation travel, the use of natural resources,
7 wilderness, and high density recreation types and the variety of recreation interests in areas and
8 programs which are incorporated in this range.

9 (b) ~~Recreation. – The Department of Environmental Quality~~ shall have the following
10 powers and duties with respect to recreation:

- 11 (1) To study and appraise the recreation needs of the State and to assemble and
12 disseminate information relative to recreation.
- 13 (2) To cooperate in the promotion and organization of local recreation systems
14 for counties, municipalities, and other political subdivisions of the State, to
15 aid them in the administration, finance, planning, personnel, coordination and
16 cooperation of recreation organizations and programs.
- 17 (3) To aid in recruiting, training, and placing recreation workers, and to promote
18 recreation institutes and conferences.
- 19 (4) To establish and promote recreation standards.
- 20 (5) To cooperate with appropriate State, federal, and local agencies and private
21 membership groups and commercial recreation interests in the promotion of
22 recreation opportunities, and to represent the State in recreation conferences,
23 study groups, and other matters of recreation concern.
- 24 (6) To accept gifts, devises, and endowments. The funds, if given as an
25 endowment, shall be invested in securities designated by the donor, or if there
26 is no such designation, in securities in which the State sinking fund may be
27 invested. All such gifts and devises and all proceeds from such invested
28 endowments shall be used for carrying out the purposes for which they were
29 made.
- 30 (7) To advise agencies, departments, organizations and groups in the planning,
31 application and use of federal and State funds which are assigned or
32 administered by the State for recreation programs and services on land and
33 water recreation areas and on which the State renders advisory or other
34 recreation services or upon which the State exercises control.
- 35 (8) To act jointly, when advisable, with any other State, local or federal agency,
36 institution, private individual or group in order to better carry out the
37 Department's objectives and responsibilities.

38 (c) ~~Federal Assistance. – The Department, with the approval of the Governor, may apply~~
39 ~~for and accept grants from the federal government and its agencies and from any foundation,~~
40 ~~corporation, association, or individual, and may comply with the terms, conditions, and~~
41 ~~limitations of the grant, in order to accomplish any of the purposes of the Department. Grant~~
42 ~~funds shall be expended pursuant to the Executive Budget Act, State Budget Act. The Director of~~
43 ~~the Department's Division of Parks and Recreation shall be designated as having the authority~~

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1 and responsibility to accept and administer funding through the federal Land and Water
2 Conservation Fund or any successor fund established for similar purposes, and the Secretary may
3 designate additional personnel to assist the Director in the responsibilities imposed by this
4 subsection."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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Senate Principal Clerk's Office**